

Chapter 6.20**MOSQUITOES****Sections:**

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Section 6.20.010 Mosquito breeding places declared public nuisance.

The Council hereby finds and declares that any breeding place for mosquitoes which exists by reason of any use made of the land on which it is found or of any artificial change in its natural condition is a public nuisance. (Ord. 3452 § 1, 1967)

Section 6.20.020 Abatement provided by chapter is additional remedy.

A. The nuisance may be abated in the manner provided in this chapter, in any action or proceeding, or by any other remedy provided by law.

B. Any remedy provided in this chapter for the abatement of a nuisance is in addition to any other remedy provided by law. (Ord. 3452 § 2, 1967)

Section 6.20.030 General powers of City.

In addition to all other powers, authority and rights retained, held or otherwise possessed by the City, the City through its public service department, and without limitation by enumeration, may:

1. Take all necessary or proper steps for the extermination of mosquitoes in the City limits;
2. Abate as nuisances stagnant pools of water and other breeding places for mosquitoes in the City limits;
3. Enter upon any private or public lands, within the City limits, for the purpose of inspection to ascertain whether breeding places of mosquitoes exist upon such lands after a reasonable attempt has been made to notify the owner or person in charge or in possession of said property of intent to enter and inspect; or to abate or reduce public nuisances in accordance with this chapter; or to ascertain if notices to abate the breeding of mosquitoes upon such lands have been complied with; or to treat with oil or other larvicidal material any breeding places of mosquitoes upon such lands;
4. Do any and all things necessary or incident to the powers granted by this chapter or

otherwise existing in the City and do any and all things necessary or incident to carry out the objects specified in this chapter; provided, however, all entries upon said property, all postings of notices, all inspections, and all work performed by the City, its officers and employees, shall be done between the hours of eight a.m. and five p.m. (Ord. 3452 § 3, 1967)

Section 6.20.040 Notice to abate nuisance--Issuance--Contents.

Whenever a nuisance specified in this chapter exists upon any property within the City, the director of the public service department may cause a notice to abate the nuisance to be issued, for the purpose of notifying the record owner, or person in charge of in possession of the property, of the existence of the nuisance. The notice shall direct that the owner shall, within a period of ten days, abate the nuisance by destroying the larvae or pupae that are present or by draining or removing the water, which abatement shall include any work that may be necessary to prevent the recurrence of breeding in the places specified in the notices. Notices served by means other than posting as provided by this chapter shall contain a description of the property in general terms reasonably sufficient to identify the location of the nuisance. The notice shall also contain the provisions of Section 6.20.060. (Ord. 3452 § 4, 1967)

Section 6.20.050 Service of notice.

The notice required by Section 6.20.040 shall be served as follows:

1. By personal service on the owner or person in charge or in possession of the property; or
2. By registered mail, addressed to the owner or person in charge or in possession of the property, to his address as given on the last completed assessment roll of the County of Riverside, or, in the absence of an address on the roll, to his last known address, and by posting a copy of said notice in a conspicuous place upon the property for a period of ten days. (Ord. 3452 § 5, 1967)

Section 6.20.060 Appeal from requirements of notice--Conclusive establishment of nuisance.

Within ten days from the date of completion of posting and mailing, or within ten days from the date of personal service, of the notice required by Section 6.20.040, the owner or person in charge or in possession of the property affected by such notice may appeal to the City Council for a separate hearing to determine whether or not the nuisance described in this chapter exists. Such appeal shall be in writing and shall be filed with the City Clerk. At the regular meeting or regular adjourned meeting of the City Council, not less than five days nor more than twenty days after filing of the appeal, it shall proceed to hear and pass upon such appeal, and the decision of the City Council thereupon shall be final and conclusive.

In the event the owner or person in charge or possession of the property affected by such notice fails to so appeal, the existence of the nuisance described in the notice shall be conclusively established. (Ord. 3452 § 6, 1967)

Section 6.20.070 Time limit for compliance.

Within ten days from the date of completion of posting and mailing, or within ten days from the date of personal service, of the notice required by Section 6.20.040, or in the case of an appeal to the City Council within ten days from the determination by the City Council that the nuisance described in this chapter exists, the owner or person in charge or in possession of the property affected by such notice shall abate the nuisance. (Ord. 3452 § 7, 1967)

Section 6.20.080 Abatement by City.

In the event the owner or person in charge or in possession of the property affected by such notice fails to abate the nuisance within the time specified in Section 6.20.070, the Director of the Public Service Department of the City shall cause abatement of the nuisance by

destroying the larvae or pupae or, by other acceptable treatment, reduce or eliminate the nuisance and the director is further authorized to take appropriate measures to prevent the recurrence of further breeding. (Ord. 3452 § 8, 1967)

Section 6.20.090 Payment of cost by owner--Unpaid cost lien on property.

The cost of abatement or reduction of a nuisance, in the event the cost exceeds five dollars, shall be repaid by the owner or person in charge or in possession of the property. All repayments not received by the City within forty-five days after billing by the City shall be deemed unpaid and delinquent. All unpaid sums expended by the City in abating or reducing a nuisance or preventing its recurrence shall become a lien upon the property on which the nuisance is abated or reduced, or its recurrence prevented, as hereinafter in this Chapter provided. (Ord. 3452 § 9, 1967)

Section 6.20.100 Filing of report and account of unpaid costs--Hearing--Notice.

A report of the proceedings and an accurate account of the unpaid costs of abatement, reduction or prevention of recurrence, of the nuisance on each separate property shall be filed with the City Clerk.

The City Clerk shall thereupon set the report and account for hearing by the City Council at the first regular or adjourned regular meeting which will be held at least seven calendar days after the date of filing, and shall post a copy of such report and account and notice of the time and place of hearing in a conspicuous place at or near the entrance of the City Council chambers. (Ord. 3452 § 10, 1967)

Section 6.20.110 Hearing procedure--Establishing liens.

The City Council shall consider the report and account at the time set for hearing, together with any objections or protests by any interested parties. Any owner of land or person interested therein may present a written or oral protest or objection to the report and account. At the conclusion of the hearing, the City Council shall either approve the report and account as submitted or as modified or corrected by the City Council.

The amounts so approved shall be liens upon the respective lots or premises, and the City Council shall adopt a resolution assessing such amounts as liens upon the respective parcels of land as they are shown upon the last available assessment roll, and declaring that such abatement costs were proper for abatement of an existing public nuisance arising out of mosquito breeding conditions. (Ord 3452 § 11, 1967)

Section 6.20.120 Filing resolution assessing costs.

The City Clerk shall prepare and file with the County Auditor a certified copy of the resolution of the City Council assessing the costs of abatement as a lien on the land adopted pursuant to Section 6.20.110. (Ord. 6393 § 29, 1997; Ord. 3452 § 12, 1967)

Section 6.20.130 Collection of costs prior to hearing.

The Finance Department of the City may accept payment of any amount due at any time prior to the council hearing provided for in Section 6.20.100. (Ord. 3452 § 13, 1967)

Section 6.20.140 Assessment entered on tax roll--Collection--Delinquency--Laws applicable.

The County Auditor shall enter each assessment on the County tax roll opposite the parcel of land. The amount of the assessment shall be collected at the time and in the manner of ordinary municipal taxes. If delinquent, the amount is subject to the same penalties and procedure of foreclosure and sale provided for ordinary municipal taxes.

Laws relating to levy, collection, and enforcement of County taxes apply to such special

assessment taxes. (Ord. 3452 § 14, 1967)

Section 6.20.150 Exemption from lien provisions.

The lien provisions of this Chapter do not apply to the property of any County, City, district or other public corporation. (Ord. 3452 § 15, 1967)

Section 6.20.160 Interference with City officers or work declared a misdemeanor.

Any person who obstructs, hinders, or interferes with the entry upon any land mentioned in this chapter of any officer or employee of the City in the performance of this duty, and any person who obstructs, interferes with, molests, or damages any work performed by the City under this chapter, is guilty of a misdemeanor. (Ord. 3452 § 16, 1967)